

November 12, 2015

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 12<sup>th</sup> day of November 2015, at 7:00 P.M., and there were

PRESENT:            DANIEL BEUTLER, MEMBER  
                         JILL MONACELLI, MEMBER  
                         JAMES PERRY, MEMBER  
                         LAWRENCE PIGNATARO, MEMBER  
                         RICHARD QUINN, CHAIRMAN

ABSENT:            JOHN BRUSO, MEMBER  
                         ARLIE SCHWAN, MEMBER

ALSO PRESENT:    JOHANNA M. COLEMAN, TOWN CLERK  
                         KEVIN LOFTUS, DEPUTY TOWN ATTORNEY  
                         JEFFREY H. SIMME, CODE ENFORCEMENT OFFICER

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

**PETITION OF: BROADWAY VETS PC DBA ALLIANCE ANIMAL HOSPITAL**

THE 1st CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Susan Mineo, DVM, MBA., 5915 Broadway, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a ground sign on premises owned by Glenn Gibson, Gibson Properties at 5929 Broadway, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster to permit a ground sign with a sign height of seven [7] feet over finished grade.

Chapter 50, Zoning, Section 30F.(2)(c)[2][a] of the Code of the Town of Lancaster limits the height of a ground sign to four [4] feet above finished grade. The petitioner, therefore, requests a three foot [3] ground sign height variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Environment and Planning of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Susan Mineo, DVM, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF BROADWAY VETS PC DBA ALLIANCE  
ANIMAL HOSPITAL**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR. PIGNATARO, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. BEUTLER  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Susan Mineo, DVM MBA (Broadway Vets PC dba Alliance Animal Hospital) and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12<sup>th</sup> day of November 2015, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is duly authorized agent of the property owner.

**WHEREAS**, the property for which the applicant is petitioning is within a General Business District, (GB) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Erie County Department of Environment and Planning has received a full copy of the proposed zoning action and has not commented.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is hereby  
**GRANTED.**

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR BRUSO	WAS ABSENT	
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SCHWAN	WAS ABSENT	
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED.**

November 12, 2015

**PETITION OF: ANDY PHAM**

THE 2<sup>nd</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Andy Pham, 67 Middlebury Lane, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a four foot [4] high fence in a required open space area on premises owned by the petitioner at 67 Middlebury Lane, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting to the north on Middlebury Lane and to the east on Covington Lane (considered a front yard equivalent). The petitioner proposes to erect a four foot [4] high fence within the required open space area of the exterior east side yard fronting on Covington Lane.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard or an exterior side yard (considered a front yard equivalent) to three feet in height. The petitioner, therefore, requests a one foot [1] east side yard fence height variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Andy Pham, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF ANDY PHAM**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MS. MONACELLI, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. PERRY  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Andy Pham and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12<sup>th</sup> day of November 2015, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicant is the present owners of the premises in question.

**WHEREAS**, the property for which the applicant is petitioning is within a Agricultural Residential District, (A-R) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is hereby  
**GRANTED.**

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR BRUSO	WAS ABSENT	
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SCHWAN	WAS ABSENT	
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED.**

November 12, 2015

**PETITION OF: SCOTT & JENNIFER SZARZYNSKI**

THE 3<sup>rd</sup> CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Scott & Jennifer Szarzynski, 21 Fieldstone Lane, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a six foot [6'] high fence in a required open space area on premises owned by the petitioners at 21 Fieldstone Lane, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Fieldstone Lane with an exterior side yard (considered a front yard equivalent) fronting to the east on Thomas Drive. The petitioners were previously granted a variance on May 19, 2011 for the construction of a six [6] foot fence transitioning to a four [4] foot fence within the exterior east side yard fronting on Thomas Drive. The current variance request calls for a six [6] foot fence within the exterior east side yard fronting on Thomas Drive.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard or an exterior side yard (considered a front yard equivalent) to three feet in height. The petitioners, therefore, request a three [3'] foot east side yard fence height variance.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

Jennifer Szarzynski, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF SCOTT & JENNIFER SZARZYNSKI**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MR PIGNATARO, WHO MOVED ITS  
ADOPTION, SECONDED BY MS. MONACELLI  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Scott & Jennifer Szarzynski and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12<sup>th</sup> day of November 2015, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicants are the present owners of the premises in question.

**WHEREAS**, the property for which the applicants are petitioning is within a Residential District 1, (R-1) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is hereby  
**GRANTED.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR BRUSO	WAS ABSENT	
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SCHWAN	WAS ABSENT	
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED.**

November 12, 2015

**PETITION OF: JOHN LAJOIE**

THE 4th CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of John Lajoie, 53 Avian Way, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a shed on premises owned by the petitioner at 53 Avian Way, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 17A.(3) of the Code of the Town of Lancaster. The petitioner proposes to locate the shed inside a required front yard along Apple Blossom Boulevard.

Chapter 50, Zoning, Section 17A.(3) of the Code of the Town of Lancaster stipulates that no accessory structure shall project into a front yard. The petitioner, therefore, requests a variance to permit the shed to be constructed within the required front yard along Apple Blossom Boulevard.

**The Clerk presented and entered into evidence the following items:**

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

**PERSONS ADDRESSING THE BOARD**

John Lajoie, Petitioner

Proponent

**IN THE MATTER OF THE PETITION OF JOHN LAJOIE**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY MS. MONACELLI, WHO MOVED ITS  
ADOPTION, SECONDED BY MR. PIGNATARO  
TO WIT:

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of John LaJoie and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12<sup>th</sup> day of November 2015, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

**WHEREAS**, the applicants is the present owner of the premises in question.

**WHEREAS**, the property for which the applicant(s) is (are) petitioning is within a Residential District 1, (R-1) as shown on the Zoning Map of the Town of Lancaster.

**WHEREAS**, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT  
RESOLVED** that based upon these findings, the relief sought be and is hereby  
**GRANTED.**

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

MR. BEUTLER	VOTED	YES
MR BRUSO	WAS ABSENT	
MS. MONACELLI	VOTED	YES
MR. PERRY	VOTED	YES
MR. PIGNATARO	VOTED	YES
MR. SCHWAN	WAS ABSENT	
MR. QUINN	VOTED	YES

The resolution granting the variance was thereupon **ADOPTED.**

November 12, 2015

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was  
adjourned at 7:33 P.M.

Signed \_\_\_\_\_  
Johanna M. Coleman, Town Clerk and  
Clerk, Zoning Board of Appeals  
Dated: November 12, 2015